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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,139	03/26/2001	Yukiko Takita	914-126	5884

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/816,139

Applicant(s)

TAKITA, YUKIKO

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-24 are pending and have been examined.

#### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "A system, method, and apparatus for receiving and distributing content".

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "...returning said received content to a distributor." It is not clear how the received content is returned to a distributor other than the content distribution apparatus.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by "Release Notes: RealAudio Player 2.0 for Windows" ("RealAudio").

Regarding claim 1, "RealAudio" discloses a content distribution system comprising at least one content reception apparatus receiving and reproducing distributed content (referred to throughout the reference as "RealAudio Player") and a content distribution apparatus distributing said content ("RealAudio Server"), wherein said content distribution apparatus distributes a continuation signal for enabling said content to be reproduced continuously ("real-time audio delivery on demand"; page 2), and said content reception apparatus is unable to reproduce said content while said content reception apparatus is unable to receive said continuation signal (page 27, "Loss Correction", specifically "...the lost packets are dropped, causing a skip.").

Regarding claim 2, "RealAudio" discloses a content reception apparatus receiving and reproducing content (referred to throughout the reference as "RealAudio Player"), wherein said content reception apparatus is unable to reproduce said received content while said content reception apparatus is unable to receive a continuation signal for enabling said content to be reproduced continuously. (page 27, "Loss Correction", specifically "...the lost packets are dropped, causing a skip.").

Regarding claim 3, "RealAudio" discloses the content reception apparatus according to claim 2, wherein said received content is reproduced according to reproduction procedure information ("14.4 algorithm" or "28.8 algorithm") indicating a procedure for reproducing said content. (page 5, "Bandwidth Negotiation", specifically "The RealAudio Player will now ask the RealAudio Server for a 14.4 or a 28.8 file...")

Regarding claim 4, "RealAudio" discloses the content reception apparatus according to claim 3, wherein said reproduction procedure information is received together with said content. (page 5, "Bandwidth Negotiation", specifically "The RealAudio Player will now ask the RealAudio Server for a 14.4 or a 28.8 file...")

Regarding claim 5, "RealAudio" discloses the content reception apparatus according to claim 2, wherein said continuation signal can be received within a predetermined area ("Internet"). (page 1, "About the RealAudio Player", paragraph 2 beginning "The RealAudio Player 2.0 for Windows...")

Regarding claim 6, "RealAudio" discloses the content reception apparatus according to claim 2, wherein said content reception apparatus comprises information presentation means for receiving and presenting content-specifying information specifying respective types of said content, and said content which is designated based on said content-specifying information presented by said information presentation means is requested and received. (page 5, "Bandwidth Negotiation", specifically "The RealAudio Player will now ask the RealAudio Server for a 14.4 or a 28.8 file...")

Regarding claim 7, "RealAudio" discloses the content reception apparatus according to claim 6, wherein, when the number of said contents which can be distributed is predetermined for each of said types, said content-specifying information is updated based on type of said content received by said content reception apparatus. (page 5, "Bandwidth Negotiation", specifically "The RealAudio Player will now ask the RealAudio Server for a 14.4 or a 28.8 file, based on the bandwidth designated in your preferences")

Regarding claim 8, "RealAudio" discloses the content reception apparatus according to claim 2, wherein said content reception apparatus further comprises means for returning said received content to a distributor.

Regarding claim 9, "RealAudio" discloses the content reception apparatus according to claim 8, wherein said content-specifying information is updated based on type of said content returned by said content reception apparatus to said distributor.

Regarding claim 10, "RealAudio" discloses a content distribution apparatus ("RealAudio Server") comprising: content distribution means for distributing content; and continuation signal distribution means for distributing a continuation signal for enabling said content to be reproduced continuously by a receiver of said distributed content. ("real-time audio delivery on demand"; page 2)

Regarding claim 11, "RealAudio" discloses the content distribution apparatus according to claim 10, wherein said content distribution apparatus further comprises means for managing the number of said distributed contents. (page 5, "Bandwidth Negotiation", specifically "The RealAudio Player will now ask the RealAudio Server for a 14.4 or a 28.8 file...")

Regarding claim 12, "RealAudio" discloses the content distribution apparatus according to claim 10, wherein said content distribution apparatus distributes reproduction procedure information ("14.4 algorithm" or "28.8 algorithm") indicating a procedure for reproducing said content. (page 5, "Bandwidth Negotiation", specifically "The RealAudio Player will now ask the RealAudio Server for a 14.4 or a 28.8 file...")

Regarding claim 13, "RealAudio" discloses the content distribution apparatus according to claim 10, wherein said continuation signal is distributed within a predetermined area. ("Internet"). (page 1, "About the RealAudio Player", paragraph 2 beginning "The RealAudio Player 2.0 for Windows...")

Regarding claim 14, "RealAudio" discloses the content distribution apparatus according to claim 10, wherein said continuation signal is distributed by means of broadcasting. ("real-time audio delivery on demand"; page 2)

Regarding claim 15, "RealAudio" discloses the content distribution apparatus according to claim 10, wherein said content is distributed by means of broadcasting. ("real-time audio delivery on demand"; page 2)

Regarding claim 16, "RealAudio" discloses the content distribution apparatus according to claim 10, wherein, when said content distribution apparatus receives an acquisition request for acquiring said content: as desired, said content distribution apparatus distributes said desired content to a source of said request. (page 1, "About the RealAudio Player 2.0", paragraph 2 beginning "The RealAudio Player 2.0 for Windows", specifically "Simply click on a RealAudio link...and your RealAudio Player will automatically open and play the file you have selected.")

Regarding claim 17, "RealAudio" discloses a content reception method comprising the steps of: receiving content; and reproducing said content received in said receiving step ("real-time audio delivery on demand"; page 2), wherein reproduction of said received content is impossible in said content reproducing step while reception of a continuation signal for enabling said content to be reproduced



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continuously is impossible. (page 27, "Loss Correction", specifically "...the lost packets are dropped, causing a skip.")

Claims 19 and 21 are rejected since these claims recite a machine-readable recording medium and program product that contain substantially the same limitations as recited in claim 17.

Regarding claim 18, "RealAudio" discloses a content distribution method comprising the steps of: distributing content; and distributing a continuation signal for enabling said content to be reproduced continuously by a receiver of said distributed content. ("real-time audio delivery on demand"; page 2)

Claims 20 and 22 are rejected since these claims recite a machine-readable recording medium and program product that contain substantially the same limitations as recited in claim 18.

Regarding claim 23, "RealAudio" discloses a content distribution system comprising at least one content reception apparatus receiving and reproducing distributed content (referred to throughout the reference as "RealAudio Player") and a content distribution apparatus distributing said content ("RealAudio Server"), wherein said content distribution apparatus distributes a continuation signal for enabling said content to be reproduced continuously ("real-time audio delivery on demand"; page 2), and said content reception apparatus can reproduce said content while said content reception apparatus can receive said continuation signal. (page 26, "Receive Audio Via", specifically "The default behavior for RealAudio is to receive RealAudio data packets...")

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Regarding claim 24, "RealAudio" discloses a content reception apparatus receiving and reproducing content (referred to throughout the reference as "RealAudio Player", wherein said content reception apparatus can reproduce said received content while said content reception apparatus can receive a continuation signal for enabling said content to be reproduced continuously. (page 26, "Receive Audio Via", specifically "The default behavior for RealAudio is to receive RealAudio data packets...")

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5 646 997 A to Barton;

US Patent 6 055 543 A to Christensen et al;

US Patent 6 239 793 B1 to Barnert et al.

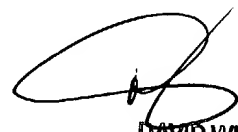
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Thursday 1-2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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